IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14874 of 2005

Between :

Injam Lingaiah, S/o. Narayana, Ex.Sarpanch, Narnepadu Gram Panchayat,

Narnepadu ,Muppalla Mandal, Guntur District.

..... PETITIONER

A N D

1 The Panchayat Secretary, Narnepadu Gram Panchayat,
Narnepadu, Muppalla Mandal, Guntur District.
2 The Narnepadu Gram Panchayat , Rep. by its Surpanch, Narnepadu

Village, Muppalla Mandal, Guntur District.
3 The District Panchayat Officer, Guntur, Guntur District.
4 The Extention Officer, PR & RD, Muppalla Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents 1 and 2 in not implementing the orders of the 3rd Respondent vide Proceedings ROC..No. 606/2005 dt. 17-3-2005; as illegal, arbitrary, motivated and for political reasons and consequentially direct the 1st and 2nd Respondents to pay the amounts due to the petitioner forth with; and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the R1 and R2: MR.M.PRABHAKAR RAO

Counsel for the Respondents 3 & 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following at the admission stage **:** (order follows 2nd page)

O R D E R

This writ petition is filed to declare the action of the respondents 1 and 2 in not implementing the Proceedings ROC.No.606/2005 dated 17-3-2005 issued by the third respondent as illegal, arbitrary, motivated and for political reasons and consequentially direct the first and second respondents to pay the amounts due to the petitioner forth with.

The case of the petitioner is that he was elected as Sarpanch of Narnepadu village for a period of two years i.e., 2001 to 2003. While he was sarpanch he executed certain works under Food for Work, SGRY Special Component Scheme, with the Panchayat Funds EFC and SFC matching grants during the years 2002-2003-2004. He laid gravel roads, metal roads, cement roads and side drains by spending his money apart from the funds of the Gram Panchayat in anticipation of the release of matching grants by the second respondent. The petitioner thus spent more than five lakhs rupees of his own for completion of the works under the hope of drawing the balance money after the funds were released. All the works executed by him were

measured and checked by the departmental Engineers and after recording the measurements in the measurement books. During his tenure, the matching grants were not released by the Panchayat Raj Department, and therefore, he could not draw the money spent by him towards the said works.

The petitioner further submits that after expiry of his term from the office of sarpanch, the second respondent who happens to be his political rival prevailed on the first respondent not to make any payment to him, which are due and payable towards the works executed by him. Therefore, the petitioner approached the third and fourth respondent for issuance of instructions to the first and second respondents for payment of his due amount. The third respondent called for a report from the Extension Officer, PR & RD Muppalla. After verification of measurement books lying with the first respondent directed the first and second respondents to make payment for the works done by him. In spite of specific directions from the fourth respondent, the first and second respondents did not choose to make payment obviously for political reasons. The petitioner therefore made a representation to the third respondent and thereupon the third respondent issued the above proceedings directing the first and second respondents to pay the entire amount within ten days. But for the reasons best known the first and respondents did not choose to implement the directions of the third and fourth respondents. However, on 25-7-2004 after great persuasion, the first and second respondents paid an amount of Rs.24,688/- out of Rs.5,05,690/- and thus an amount of Rs.4,95,923/- is due to be paid to him by the first and second respondents.

Heard the learned counsel for the petitioner as well as the Govt.Pleader for the

respondents.

After hearing both sides, I deem it appropriate to dispose of the writ petition with a direction to the first and second respondents to implement the Proceedings ROC.No.606/2005 dated 17-3-2005 issued by the third respondent positively within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 7th, 2005. ----------

I S L**.** ELIPE DHARMA RAO, J

To

1 The Panchayat Secretary, Narnepadu Gram Panchayat,
Narnepadu, Muppalla Mandal, Guntur District.
2 The Sarpanch, Narnepadu Gram Panchayat, Narnepadu Village,

Muppalla Mandal, Guntur District.
3 The District Panchayat Officer, Guntur, Guntur District.
4 The Extention Officer, PR & RD, Muppalla Mandal, Guntur District

5 Two CCs to Govt.Pleader for Panchayat Raj & Rural Development,

High Court Buildings, High Court of AP Hyderabad.(OUT)

6 One CC to Mr.M.Prabhakar Rao, Counsel for the Petitioner.

7 Two CD files.